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NOV 19 2003

Paper No. 6

In re Application of
George Bartlett
Application No. 09/854,618
Filed: May 14, 2001
Attorney Docket No. 01-165

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: DECISION ON PETITION
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This is a decision on the petition filed on June 24, 2003 by which petitioner requests withdrawal of the examiner's holding that this application stands abandoned for failure to file a proper and timely reply to the Office action dated August 23, 2002. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

Petitioner alleges that the application is not abandoned because a reply to the Office letter in question was timely filed. Petitioner supports this allegation by furnishing a copy of the reply, a copy of a petition for a two month extension which includes authorization to charge the extension fee, and a copy of a post card receipt showing that these papers were filed on January 7, 2003. As this date is within the period for filing a reply as set within the Office letter dated August 23, 2002, as extended by the petition for extension of time, it is clear that this application is not in fact abandoned. Note is also taken that Office financial records show that the \$200.00 extension of time fee was in fact charged.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the examiner for action on the reply filed on January 7, 2003.

PETITION GRANTED.

E. Rollins-Cross, Director, Patent
Examining Groups 3710 and 3720

George A. Coury
Bachman & LaPointe, P.C.
Suite 1201
900 Chapel Street
New Haven, CT 06510-2802